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**Fitch, Even, Tabin & Flannery***Intellectual Property Law***F A C S I M I L E**

DATE: November 9, 2005

TO: U.S. Patent & Trademark Office
FAX NO.: (571) 273-8300FROM: Kurt M. Eaton, Reg. No. 51,640 Attorney Docket No.: 70651/7293
U.S. Application No.: 09/864,093
Filing Date: May 21, 2001
Inventor: Clark et al.
Art Unit: 2638
Examiner: Hanh PhanNO. OF PAGES: 22 pages (including this 1-page coversheet)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

	Application Number	09/864,093
	Filing Date	May 21, 2001
	First Named Inventor	Clark, Gerald R.
	Art Unit	2638
	Examiner Name	Phan, Hanh
22	Attorney Docket Number	70651/7293

22

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fitch, Even, Tabin & Flannery		
Signature			
Printed name	Kurt M. Eaton		
Date	November 9, 2005	Reg. No.	51,640

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Kurt M. Eaton

Date November 9, 2005

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Docket No. 70651/7293

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	09/864,093	<u>Certificate of Transmission/Mailing</u>
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Filed:	May 21, 2001	USPTO Fax. No.: (571) 273-8300
Title:	FREE-SPACE OPTICAL COMMUNICATION SYSTEM EMPLOYING WAVELENGTH CONVERSION	or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Examiner:	Hanh Phan	Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
Art Unit:	2638	on the date shown below:
Customer No.:	22242	 November 9, 2005 Date
Confirm. No.:	1812	Kurt M. Eaton Registration No. 51,640 Attorney for Applicant(s)

**AMENDMENT UNDER 37 CFR § 1.116 IN RESPONSE TO
FINAL OFFICE ACTION MAILED SEPTEMBER 9, 2005**

Mail Stop AF
 Commissioner for Patents
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Dear Sir:

In response to the Final Office Action mailed September 9, 2005, Applicants provide the following:

Amendments to the Claims are reflected in the Listing of Claims that begins on page 2.

Remarks begin on page 15.